

REMARKS

I. Introduction

In a non-final Office Action mailed January 13, 2010, the Examiner rejected claims 3, 10-12, and 30-35 under 35 U.S.C. § 103(a) over a combination of U.S. Patent No. 6,370,510 ("McGovern"), U.S. Patent No. 6,070,143 ("Barney"), and Non-Patent Literature O*Net 98 Data Dictionary ("ONET"). Applicant herein adds new claim 36 and amends claims 3 and 10 to clarify the subject matter for which applicant seeks protection. Accordingly, claims 3, 10-12, and 30-36 are now pending. For reasons discussed in detail below, applicant respectfully submits that the pending claims are in condition for allowance.

II. Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 3, 10-12, and 30-35 under 35 U.S.C. § 103(a) over a combination of McGovern, Barney, and ONET. Applicant respectfully traverses these rejections and submits that the cited references fail to disclose or suggest each of the elements recited by independent claims 3, 10, and 36.

A. The cited references fail to disclose or suggest a publicly available web site that allows users to contribute information used to update a collection of occupational summaries

The Examiner asserts that column 2, lines 1-8 and column 10, lines 36-43 of McGovern disclose "providing a publicly available web site for users of occupational summaries" that "allows the users...to contribute information used to update the collection of occupational summaries" as recited by independent claim 3 (Office Action, January 13, 2010, p. 3; emphasis added). Applicant respectfully disagrees with this characterization of McGovern. McGovern is directed to an Internet job board that permits a hiring contact of a company to log onto the job board and post or update available jobs (McGovern 7:26-31, 52-57). Nowhere does McGovern disclose or suggest a website that is both publicly available and allows users to contribute

information that is used to update a collection of occupational summaries accessed through the web site. Indeed, McGovern makes clear that only a "logged on" hiring contact can upload a new job posting or edited an existing job posting (*id.* 7:26-31, 52-57). Moreover, Barney and ONET fail to disclose or suggest a publicly available web site to which users contribute information that is used to update a collection of occupational summaries. In fact, Barney states that only "relevant subject matter experts" are notified of the network address of a survey created by a job analyst (Barney 6:25-27). Since the cited references fail to disclose or suggest a website that is both publicly available and allows users to contribute information that is used to update a collection of occupational summaries, applicant submits that independent claim 3 and each of its dependent claims are patentable over the cited references. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 3 and 30-32 under 35 U.S.C. § 103(a) over the combination of McGovern, Barney, and ONET.

Although applicant believes that the pending claims are allowable as previously presented, to expedite examination, applicant has amended independent claim 3 to more clearly identify the subject matter for which applicant seeks protection. As amended, independent claim 3 recites that "the publicly available web site is available to the users to access information without a login requirement" (emphasis added). Applicant has reviewed the cited references and submits that these references do not disclose or suggest a publicly available web site that allows users to contribute information that is used to update a collection of occupational summaries accessed at the web site, as recited. That is, McGovern requires users to log into its job board web site to add or edit an available job posting (McGovern 7:26-31, 52-57), while Barney permits only "relevant subject matter experts" to access its survey (Barney 6:25-27). For at least these reasons, applicant submits that independent claim 3 is patentable over McGovern, Barney and ONET. Dependent claims 30-32 also provide additional patentable distinctions, such as the types of modified data measures. Accordingly,

applicant respectfully requests that the Examiner withdraw the rejection of claims 3 and 30-32 under 35 U.S.C. § 103(a) over the combination of McGovern, Barney, and ONET.

B. The cited references fail to disclose or suggest automatically updating a collection of occupational summaries

Independent claims 3, 10, and 36 recite automatically updating a collection of occupational summaries based on a received questionnaire. For example, amended claim 3 recites "automatically updating the collection of occupational summaries based on receiving a submission of a questionnaire form accessed from the publicly available web site" (emphasis added), amended claim 10 recites "automatically updating the collection of occupational summaries to include information extracted from the questionnaire" (emphasis added), and new claim 36 recites "instructions to automatically update the collection of occupational summaries to include information extracted from the questionnaire" (emphasis added). Applicant has reviewed the cited references and submits that these references do not disclose or suggest automatically updating a collection of occupational summaries as recited. Rather, McGovern expressly states that its job posting database is updated by a hiring contact when a new job posting is created or edited (McGovern 7:26-31, 52-57). Similarly, Barney requires an analyst to update its database (Barney 6:55-58, 7:16-39). Since the cited references require human intervention to update their respective systems, applicant submits that independent claims 3, 10, and 36 are patentable over the cited references. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 3, 10, and 30-35 under 35 U.S.C. § 103(a) over the combination of McGovern, Barney, and ONET.

C. The Examiner has failed to establish a prima facie case of obviousness of claims 10-12 and 33-35

The Examiner has failed to make a prima facie case of obviousness with respect to independent claim 10. Claim 10 recites:

10. In a computer system, a method for maintaining a collection of occupational summaries including descriptions of specific occupations, the method comprising:

...

analyzing the information in the received questionnaire;

providing the user with results of the analysis of the questionnaire; and

automatically updating the collection of occupational summaries to include information extracted from the questionnaire.

(emphasis added). The Examiner provides the same rationale for rejecting claims 3 and 10 (Office Action, January 13, 2010, pp. 2-4). However, these claims are directed to different aspects of the invention. As the above-underlined claim language shows, claim 10 recites the additional aspects of analyzing the information in a received questionnaire and providing a user with results of the analysis of the questionnaire. Thus, while claims 3 and 10 recite the aspects of receiving a questionnaire from a user and updating a collection of occupational summaries based on the received questionnaire, claim 10 recites the additional aspect of analyzing the information in the received questionnaire and providing the user with results of the analysis.

Because the Examiner has not mentioned where McGovern, Barney, and ONET, individually or in combination, disclose or suggest the above-underlined claim language recited by claim 10, applicant submits that the Examiner has failed to establish a prima facie case of obviousness of claim 10 and each of its dependent claims. Moreover, applicant has reviewed the cited references and has not identified any disclosure or suggestion of analyzing the information in a received questionnaire and providing a user with results of the analysis of the questionnaire. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 10-12 and 33-35 under 35 U.S.C. § 103(a) over the combination of McGovern, Barney, and ONET. Applicant further submits that new independent claim 36 similarly recites "instructions to analyze the information in the received questionnaire" and "instructions to provide the user with results of the analysis of the questionnaire" and is therefore allowable for similar reasons.

D. Barney teaches away from combination with McGovern and ONET

It is improper to combine references where the references teach away from their combination (*In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983)). Applicant submits that there is no reason to combine Barney and McGovern or Barney and ONET, at least because Barney teaches away from such combinations. McGovern is directed to an Internet job board that permits a hiring contact of a company to log onto the job board and post or update available jobs (McGovern 7:26-31, 52-57). Barney discredits career planning systems like McGovern's job board. According to Barney, such systems "do not analyze a particular job, *but merely* employ a database containing jobs, skills and available employment positions" (Barney 2:32-34; emphasis added). Barney similarly disparages ONET by stating that "the O*Net system provides only a *superficial* scale for knowledge and work behavior, *thereby severely limiting its utility to job analysis*" (*id.* 2:20-22; emphasis added). Thus, because Barney dismisses McGovern and ONET it thereby teaches away from combination with McGovern and ONET. Accordingly, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 3, 10, and 30-35 under 35 U.S.C. § 103(a) over the combination of McGovern, Barney, and ONET.

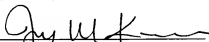
III. Conclusion

In view of the above amendment and remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite examination of this application, the Examiner is encouraged to call the undersigned at (206) 359-8077.

Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-0665, under Order No. 333628003US1 from which the undersigned is authorized to draw.

Dated: 7/13/10

Respectfully submitted,

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